

Gregory L. Diskant (admitted *pro hac vice*)  
Eugene M. Gelernter (admitted *pro hac vice*)  
Anthony C. DeCinque (admitted *pro hac vice*)  
PATTERSON BELKNAP WEBB & TYLER LLP  
1133 Avenue of the Americas  
New York, NY 10036  
Phone: (212) 336-2000  
Fax: (212) 336-2222  
Email: [gldiskant@pbwt.com](mailto:gldiskant@pbwt.com)  
[emgelernter@pbwt.com](mailto:emgelernter@pbwt.com)  
[adecinque@pbwt.com](mailto:adecinque@pbwt.com)

Charles D. Hoffmann (admitted *pro hac vice*)  
Sean R. Marshall (admitted *pro hac vice*)  
HOFFMANN MARSHALL & STRONG LLP  
116 W 23rd Street, Suite 500  
New York, NY 10011  
Phone: (212) 851-8403  
Fax: (646) 741-4502  
Email: [charlie@hmscounsel.com](mailto:charlie@hmscounsel.com)  
[sean@hmscounsel.com](mailto:sean@hmscounsel.com)

Kelly A. Evans (NV Bar #7691)  
Chad R. Fears (NV Bar #6970)  
SNELL & WILMER L.L.P.  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, NV 89169  
Phone: (702) 784-5200  
Fax: (702) 784-5252  
Email: [kevans@swlaw.com](mailto:kevans@swlaw.com)  
[cfears@swlaw.com](mailto:cfears@swlaw.com)

*Attorneys for Defendants LifeScan, Inc.;  
LifeScan Scotland, Ltd.; and Johnson & Johnson*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

PHARMA TECH SOLUTIONS, INC. and  
DECISION IT CORP.,

Plaintiffs,

v.

LIFESCAN, INC., LIFESCAN SCOTLAND,  
LTD. and JOHNSON AND JOHNSON,

Defendants.

Case No. 2:16-CV-564-RFB-PAL

**DECLARATION OF ANTHONY DeCINQUE  
IN SUPPORT OF DEFENDANTS' MOTION  
TO DISMISS**

1           1.           I am a lawyer admitted to practice in the State of New York and a member of the firm  
2 of Patterson Belknap Webb & Tyler LLP, counsel for defendants LifeScan, Inc.; LifeScan Scotland,  
3 Ltd.; and Johnson and Johnson. I am admitted *pro hac vice* in this action. I am fully familiar with  
4 the facts set forth below.

5           2.           I submit this declaration in support of defendants' motion to dismiss.

6           3.           Attached to this declaration as exhibits are true and correct copies of the following  
7 documents:

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9 **Records of the U.S. Patent and Trademark Office**

10 **Exhibit 1**       U.S. Patent No. 7,250,105.

11  
12 **Court Filings from *LifeScan, Inc. v. PharmaTech Solutions, Inc.*,  
Case No. 11-cv-1194 (N.D. Cal.)**

13  
14 **Exhibit 2**       Amended Complaint (Dec. 10, 2012) (ECF No. 170)

15 **Exhibit 3**       Declaration of Mark E. Meyerhoff in Support of Plaintiffs' Motion for a  
16 Preliminary Injunction (Dec. 14, 2012) (filed under seal, redacted version at  
ECF No. 176-2)

17 **Exhibit 4**       Declaration of Dr. Joseph Wang in Opposition to Motion for Preliminary  
18 Injunction (Jan. 31, 2013) (filed under seal, redacted version at ECF  
19 No. 206).

20 **Pre-Motion Correspondence**

21 **Exhibit 5**       Letter from G. Diskant to W. Rudy (May 24, 2016)

22 **Exhibit 6**       Letter from W. Rudy to G. Diskant (July 18, 2016)

23 **Exhibit 7**       Letter from G. Diskant to W. Rudy (July 27, 2016)

24 **Exhibit 8**       Letter from W. Rudy to G. Diskant (Aug. 1, 2016)

25 **Exhibit 9**       Letter from G. Diskant to W. Rudy (Aug. 8, 2016) (producing documents  
26 and delivering declaration of Allan MacRae)  
27  
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**Exhibit 10** Declaration of Allan MacRae (Aug. 5, 2016) (filed under seal)

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 15, 2016.

s/ Anthony C. DeCinque

Anthony C. DeCinque

**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury that the foregoing **Declaration of Anthony DeCinque in Support of Defendants' Motion to Dismiss** along with its attached **Exhibits** were electronically filed with the Clerk of the Court using the CM/ECF service. All parties to this case are registered with the CM/ECF service, which will provide copies to all counsel of record.

/s/ Anthony DeCinque  
Anthony DeCinque

**INDEX OF EXHIBITS**

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